

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3675 of 2018

Arising Out of PS. Case No.- Year-2017 Thana- SC/ST District- East Champaran

Rajeshwar Singh, S/o Late Harihar Singh, R/o Vill.- Nautan, P.S.- Sangrampur, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Rajesh Kumar Singh
For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-12-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 26.06.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, East Champaran at Motihari in A.B.P. No.1038 of 2018, arising out of SC/ST (Motihari) Police Station Case No.100 of 2017 registered under Sections 341, 323, 354(A), 504 of the Indian Penal Code and Sections 3 (i) (d) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation of commission of abuse, assault and attempt to outrage the modesty is in the background of the fact that the appellant was purchasing milk of the cow of the informant. However, he had not paid anything since last three months to the informant.



Submission is that the goat of the informant was grazing the crops of the appellant and the appellant had handed over the goat to the Police. For release of the goat, the appellant had to pay fine, vide *Annexure 2* and due to that grudge, false case has been lodged. Appellant has got no criminal antecedent.

Considering the background and nature of allegation, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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